

BILL NO. G-93-11-12

GENERAL ORDINANCE NO. G- 32-93

AN ORDINANCE AMENDING CHAPTER 53
"STORMWATER SERVICE" OF THE CITY OF
FORT WAYNE CODE OF ORDINANCES.

WHEREAS, to date stormwater services have been provided under the authority of the Board of Public Works as an unspecified department of the City Utilities; and

WHEREAS, the City is required to file Part 2 of its National Pollutant Discharge Elimination System ("NPDES") Stormwater Permit Application to the Indiana Department of Environmental Management ("IDEM") and the United States Environmental Protection Agency Region 5 ("USEPA Region 5") setting out its legal authority and organizational structure underlying the delivery of stormwater services and enforcement of stormwater rules and regulations; and

WHEREAS, Indiana Code Chapter 8-1.5-5 entitled "Stormwater Management Systems" empowers municipalities to establish a Department of Stormwater Management and specifically grants to municipalities the necessary legal authority and organizational structure to comply with NPDES requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Chapter 53 of the Code of Ordinances of the City of Fort Wayne entitled "Stormwater Service" be amended as follows:

CHAPTER 53. STORMWATER MANAGEMENT DEPARTMENT.

SECTION 53.01 LEGAL AUTHORITY/ORGANIZATIONAL STRUCTURE.

(A) Adoption of State Law.

The provisions of Indiana Code Chapter 8-1.5-5 are hereby adopted in their entirety, and the following entities established:

- (1) A Department of Stormwater Management within the Division of City Utilities.

1 (2) A Board of Directors of the Department of
2 Stormwater Management which shall consist of
3 three (3) directors appointed by the Mayor,
4 not more than two (2) of whom may be of the
5 same political party. Directors shall serve
6 terms of four (4) years; however, the initial
7 terms shall be staggered. The Mayor may
8 remove a director at any time when, in the
9 judgment of the Mayor, it is for the best
10 interest of the Department.

11 (3) A Stormwater Management District, extending to
12 the corporate boundaries of the City of Fort
13 Wayne is hereby established for the purpose of
14 providing for the collection and disposal of
15 stormwater of the City in a manner which
16 protects the public health and welfare, and
17 for the purpose of assessing fees to pay for
18 the cost of stormwater facilities and
19 services. As the corporate boundaries of the
20 City change, whether through annexation or
21 otherwise, so shall the boundaries of the
22 Stormwater District change.

23 (B) Powers of the Board.

24 The Board of Directors of the Department of Storm-
25 water Management shall have exclusive jurisdiction over
26 the collection and disposal of stormwater within the
27 District, and shall possess all the powers and duties set
28 forth in I.C. 8-1.5-3-4 and 8-1.5-5-6 including but not
29 limited to the power to:

- 30 1. Establish and enforce Rules and Regulations
31 governing the Department of Stormwater Management.
- 32 2. Hold hearings following public notice.
- 33 3. Make findings and determinations.
- 34 4. Install, maintain and operate a stormwater
35 collection and disposal system.
- 36 5. Make all necessary or desirable improvements of the
37 grounds and premises under its control.
- 38 6. Recommend to the Common Council reasonable and just
39 rates and charges for services to the customers of
40 the District.

41 SECTION 53.03 STORMWATER SERVICE CHARGES.

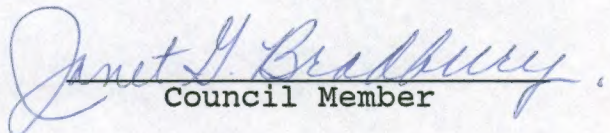
42 (B) (1) Stormwater service charges are imposed
43 hereunder to pay for the operation, maintenance,
44 administration and improvement of the City's
45 existing stormwater facilities. Factors utilized
46 by the City to determine just and equitable fees
47 for stormwater service are the same factors set
48 forth in I.C. 36-9-23-25 for the determination of
49 such fees for users of the City's sanitary sewerage
50 system and treatment plant. In order to properly
51 match the costs of providing stormwater service and
52 charges imposed for that service, a flat charge has
53 been established which takes more accurately into
54 account the impervious stormwater runoff
55 contributed by various general classes of users
56 than does a fee based on water consumption or
57 measurement of discharges to sanitary sewers.

The following charges for stormwater service shall apply to each of the classifications hereafter listed:

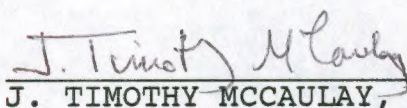
CLASS	DESCRIPTION OF USER	MONTHLY FLAT CHARGE
50	Residential - General, Single Family	\$ 1.94
51	Multi-Unit Residential (0-8 Per Service Address)	1.94
52	Multi-Unit Residential (9-18 Per Service Address)	5.49
53	Home Occupational	1.94
60	Commercial - General	36.93
61	Restaurants	36.93
62	Retail Stores	36.93
63	Laundries/Dry Cleaners	36.93
64	Offices	36.93
65	Car Washes	36.93
66	Gas Stations	36.93
67	Hotels/Motels/Exhibits	36.93
68	Multi-Unit Residential >18	36.93
69	Commercial - Small Facility	5.49
70	Industrial - General	52.47
71	Manufacturing	52.47
72	Transportation	52.47
73	Utilities	52.47
74	Industrial Services	52.47
75	Industrial - Small Facility	5.49
80	Institutional - General	13.18
81	Hospitals/Nursing Homes	13.18
82	Churches and Synagogues	13.18
83	Schools	13.18
84	Institutional - Small Facility	5.49
90	Miscellaneous	36.93
91	Inter-Departmental City	36.93
92	Miscellaneous - Small Facility	5.49

(2) This provision shall be in full force and effect retroactive to the date of passage, and any or all necessary approval by the Mayor and due legal publication of Bill No. G-91-08-38 (As Amended).

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Council Member

APPROVED AS TO FORM
AND LEGALITY


J. TIMOTHY-MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on City of Fort Wayne (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19_____, at _____ o'clock _____ M., E.S.T.

DATED: 11-9-93 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by _____, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GiaQUINTA				<u>✓</u>
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

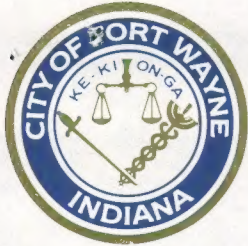
DATED: 11-23-93 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____ (SPECIAL) _____ (ZONING) _____ ORDINANCE RESOLUTION NO. G-32-93 on the 23rd day of November, 1993

ATTEST: (SEAL)
Sandra E. Kennedy Thomas P. Henry
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of November, 1993 at the hour of 2:00 o'clock P, M., E.S.T.
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 30th day of November, 1993, at the hour of 8:00 o'clock A M., E.S.T.
Paul Helmke
PAUL HELMKE, MAYOR



THE CITY OF FORT WAYNE



Paul Helmke
Mayor

MEMORANDUM

LAW DEPARTMENT

TO: MEMBERS OF COMMON COUNCIL

FROM: LINDA PETERSON POWELL, STAFF ATTORNEY *LP*

DATE: November 8, 1993

SUBJECT: CHAPTER 53 - FORT WAYNE CODE OF ORDINANCES
STORMWATER MANAGEMENT DEPARTMENT

5-93-11-12

When the stormwater user fee was implemented during the summer of 1991, no specific legal or organizational arrangements were set out in the enabling ordinance. It was recognized at that time that the City would be working toward a permanent rate structure for the user fee, and would be completing part 1 and part 2 of its National Pollutant Discharge Elimination System (NPDES) Stormwater Application to be submitted to the Indiana Department of Environmental Management (IDEM) and the USEPA. Until that time, Chapter 53 provided that the Board of Public Works would oversee stormwater matters, as it does other City Utility concerns.

The City is now to the point where it must decide on an organizational and legal framework for the delivery of stormwater services. At the recommendation of the City's consultants, a one day workshop was conducted on June 25, 1993, to seek consensus on a recommendation for the future structure of the City Utilities. Members of the Common Council, Board of Works and City staff were invited to attend and offer input in this decision. Members of the media were also present. The recommendation from this workshop was to work toward establishment of a Utility Service Board, which would alleviate some of the responsibility currently placed on the Board of Public Works. However, establishment of a Utility Service Board under Indiana Code 8-1-2-100 requires both a referendum and local ordinance. Therefore, it was agreed that a Department of Stormwater Management with a governing Board of Directors was the next best alternative available to the City of Fort Wayne, until such time as a Utility Service Board could be established. The attached ordinance adopts that chapter of the Indiana Code dedicated to the provision of stormwater services.

Enactment of the attached Ordinance would establish a Department of Stormwater Management and a Board of Directors to oversee this Department. If this Ordinance is not passed, the provision of stormwater services and collection of the service fee for those services would remain under the authority of the Board of Public Works. Passage of this Ordinance is encouraged not only because the structure was the one chosen at the workshop, but also because it is recommended by both IDEM and USEPA as the organization and legal framework specifically provided by Indiana law to handle stormwater services.

Should you have any questions or wish to discuss either this Ordinance or the other recommendations from the workshop, please feel free to call me at 427-1124.

lpp:dcb

BILL NO. G-93-11-12

REPORT OF THE COMMITTEE ON
CITY UTILITIES
JANET G. BRADBURY - CHAIRPERSON
SAMUEL J. TALARICO - VICE CHAIRPERSON
RAVINE, HENRY

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) ~~AMENDING CHAPTER 53~~
"STORMWATER SERVICE" OF THE CITY OF FORT WAYNE CODE OF
ORDINANCES

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

<u>Janet G. Bradbury</u>	_____	_____	_____
<u>Samuel J. Talarico</u>	_____	_____	_____
<u>Ravine, Henry</u>	_____	_____	_____
<u>Clitus R. Edmonds</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DATED: 11-23-93

Sandra E. Kennedy
City Clerk